

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/038,585
Attorney Docket No. Q67992

REMARKS

I. Introduction

Applicants add new claims 11-13. Therefore, by this Amendment, claims 1-13 are currently pending and claims 1-10 have been examined. While the Examiner acknowledges that claims 4-6 and 10 contain allowable subject matter, the Examiner rejects claims 1-3 and 7-9. In particular, claims 1-3 and 7-9 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Guelich, U.S. Patent No. 5,841,020 (hereinafter "Guelich").

Applicants overcome the rejection of claims 1-3 and 7-9 as follows.

II. Allowable Subject Matter

The Examiner objects to claims 4-6 and 10 as being dependent upon a rejected base claim, but the Examiner acknowledges that claims 4-6 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Additionally, the Examiner generally acknowledges that these claims are allowable based on the features recited therein, and Applicants further note that each of claims 4-6 and 10 are allowable based on the entirety of the features recited therein.

Applicants respectfully request that the Examiner hold the rewriting requirement in abeyance pending consideration of the following remarks.

III. Claim Rejections -- 35 U.S.C. § 102(b)

Claims 1-3 and 7-9 stand rejected under § 102(b) as allegedly being anticipated by Guelich.

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Claim 1

Applicants make minor cosmetic amendments to claim 1. These amendments are not intended to narrow the claim and instead are intended to make clearer what was already implicitly defined within the claim. Consequently, application of any and all reasonable equivalents is not foreclosed.

Claim 1 is directed to "a method of monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical switchgear enclosure". Conversely, Guelich describes a container for mixing and measuring multi-phase fluids (Guelich: Abstract; Fig. 1a). Such multi-phase gas mixtures consist of at least two different phases, for example two fluid components which have a liquid as well as a gas or vapor component respectively (Guelich: col. 1, lines 14-16). In Guelich, a signal evaluation apparatus is described which receives values measured by sensors to calculate a total flow rate, a flow rate of the liquid components, as well as a flow rate of the gaseous components (Guelich: Abstract).

Thus, Guelich fails to disclose or suggest "a method of monitoring a proportion of a component in a gaseous mixture having at least two components", as recited in claim 1. The Examiner alleges that these features are disclosed in Guelich at col. 1, lines 5-25. To the contrary, this background section merely describes a container of a known apparatus in which the liquid fluid components and the gaseous fluid components of a multi-phase gas mixture are separated and measured in order to determine the flow rate and the mass/density of the fluid flow (Guelich: col. 1, lines 5-25). Guelich fails to disclose or suggest any method for monitoring a single component of a gaseous mixture in relation to its other components.

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Furthermore, Guelich fails to disclose or suggest that "a gaseous mixture having at least two components [is] contained in an electrical switchgear enclosure". The Examiner confusingly cites to elements 8 and 14 of Fig. 1 as allegedly disclosing these features. Element 8 of Guelich is a drainage means, such that both liquid and gaseous components are led off out of the container via the drainage means 8 (Guelich: col. 4, lines 40-42). Element 14 of Guelich merely represents the volume of the liquid components in the container 1 (Guelich: col. 3, lines 18-23). Indeed, neither element 8 nor element 14 of Guelich's Fig. 1 are related in any manner to an electrical switchgear enclosure, which is a specialized term referring to switching/interrupting devices (*see, e.g.*, Applicants' Specification at page 1, lines 21-28). Thus, Guelich fails to disclose or suggest a gaseous mixture contained in an electrical switchgear enclosure.

Claim 1 further recites the step of "measuring the pressure, the temperature, and the density of the gas mixture using at least one sensor mounted on said enclosure". The Examiner alleges that these features are disclosed in Guelich at col. 2, lines 11-33. Guelich describes pressure and temperature sensors (Guelich: col. 2, lines 13-17). Guelich describes that the average specific mixture density can be determined by using the data from these sensors (*Id.*). However, Guelich fails to disclose or suggest "measuring . . . the density of the gas mixture using at least one sensor mounted on said enclosure", as recited in claim 1.

As noted above, Guelich fails to disclose or suggest any method for monitoring a single component of a gaseous mixture in relation to its other components. Consequently, Guelich fails to disclose and cannot possibly suggest the step of "determining said proportion by processing the measured values in a data-processing unit, so as to enable the mixture to be monitored non-

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intrusively", as recited in claim 1. The proportions of liquid and gaseous components in a multi-phase gas mixture (Guelich: col. 1, lines 20-25) do not correspond to "a gaseous mixture having at least two components", as recited in claim 1.

For at least these exemplary reasons, claim 1 is not anticipated by Guelich.

Claims 2-3 and 7-9

Claims 2-3 and 7-9 are not anticipated by Guelich at least by virtue of their dependency.

IV. New Claims 11-13

Applicants add new claim 11, which recites the disclosed but unclaimed step of "running algorithms in the data-processing unit for correcting errors and drift specific to said at least one sensor" (*see, e.g.*, Applicants' Specification at page 5, lines 26-28).

Additionally, Applicants add new claims 12 and 13, which are system claims. These claims are patentable based on a rationale analogous to that set out above for method claim 1.

V. Formal Matters

Priority

The Examiner acknowledges Applicants' claim for foreign priority under 35 U.S.C. § 119, including receipt of the priority document.

Information Disclosure Statement

The Examiner provides a signed and initialed copy of the Form PTO/SB/08 submitted with the IDS filed on March 28, 2002, thereby indicating consideration of the references cited therein.

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Title

Applicants amend the title to reflect added system claims 12 and 13.

Specification

Applicants amend the specification to correct a typographical error.

Abstract

Applicants make minor cosmetic amendments to Abstract.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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